

REMARKS

Claims 1, 2, 4-9, 11-19 are pending in the application. Claims 7 and 14 are objected to because of the terms “personalized information.” Applicant has amended claims 7 and 14 to change the term “personalized information” to “medical log” as suggested by the Examiner.

The Examiner has also rejected claims 1, 8, 15, 16, and 17 under 35 U.S.C. Section 112, second paragraph, because the terms “medical log” and “medical roadside emergency” are allegedly indefinite. Applicant traverses this rejection and submits that one skilled in the art at the time of the invention would understand the term “medical log” to mean information concerning a customer’s health, including any type of medical information, history, and health care provider information. Moreover, Applicant submits that one skilled in the art at the time of the invention would understand the term “medical roadside emergency” to mean any type of situation where a customer feels they have a need for any type of medical care. The fact that the Examiner understood these terms in the instant Office Action supports Applicant’s position that these terms are not indefinite and are understood by one skilled in the art.

Next, the Examiner rejected claims 1, 2, 4-6, 8-9, 11-13, and 15-19 under 35. U.S.C. Section 103(a) as being unpatentable over Wireless Internet in view of Kennedy. Finally, the Examiner has rejected claims 7 and 14 under 35. U.S.C. Section 103(a) as being unpatentable over Wireless Internet in view of Kennedy and InfoGation.

For the reasons set forth more fully below, Applicant respectfully traverses the Examiner’s rejections. Reconsideration and allowance in view of the foregoing amendments and the following remarks are respectively requested. Independent claim 1, 8, and 17 have been amended slightly to more particularly claim applicant’s invention.

Amended independent claim 1 reads (with emphasis added):

Claim 1. A method of providing through an electronic medium a medical log of a customer on a telematics device included in a vehicle, the method comprising:
presenting, on the telematics device of the vehicle, to the customer through the electronic medium a virtual garage having communication links to a plurality of telematics service providers;
requesting, from the telematics device of the vehicle, the medical log of the customer from the virtual garage;
transmitting the medical log of the customer from the virtual garage to the telematics device of the vehicle, wherein the medical log is obtained from the virtual garage and the plurality of telematics service providers, and wherein the medical log includes non-audible data;
storing the medical log in an on-board database associated with the telematics device of the vehicle; and
retrieving the medical log of the customer from the on-board database during a medical roadside emergency.

Claim 1 is directed towards a very particular method of providing a medical log of a customer using an on-board database associated with a telematics device of a vehicle during a medical roadside emergency, where the medical log is provided in a non-audible manner.

Applicant submits that neither Wireless Internet, Kennedy and InfoGation teaches or discloses the presently claimed invention. Further, there is no suggestion or motivation in either Wireless Internet or Kennedy to be combined with each other to disclose Applicant's claimed invention.

BASIC REQUIREMENTS OF A *PRIMA FACIE* CASE OF OBVIOUSNESS

To set forth a prima facie case of obviousness under 35 U.S.C. §103, the prior art relied upon by the Examiner must meet three basic criteria (See MPEP 2143): (a) there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or combine reference teachings; (b) there must be a reasonable expectation of success; and (c) the prior art references must teach or suggest all the claim limitations. The Examiner bears the burden of establishing all

three criteria. Moreover, all three criteria must be met and the failure of any one will negate a prima facie case of obviousness. Applicant submits that at least one, if not all three, criteria is unsatisfied.

INDEPENDENT CLAIMS 1, 8 AND 17 ARE PATENTABLE OVER WIRELESS INTERNET IN VIEW OF KENNEDY BECAUSE THERE IS NO SUGGESTION OR MOTIVATION TO COMBINE THESE REFERENCES, THERE IS NO REASONABLE EXPECTATION OF SUCCESS, AND THE REFERENCES DO NOT TEACH OR SUGGEST ALL THE LIMITATIONS.

Fundamentally, the Examiner fails to set forth a *prima facie* case of obviousness because there is no suggestion in the references or in knowledge generally available to those skilled in the art to combine Wireless Internet and Kennedy to disclose or suggest the claimed invention. The Examiner asserts that “it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Wireless Internet and Kennedy to disclose their use in medical roadside emergencies, transmitting a medical log to a telematics device of a vehicle, storing the medical log in an on-board database, and retrieving the medical log from the on-board database during a medical roadside emergency.” Applicant respectfully disagrees.

First, claim 1 requires (1) “transmitting a medical log of the customer from the virtual garage to the telematics device of the vehicle,” (2) “storing the medical log in an on-board database associated with the telematics device of the vehicle,” and (3) “retrieving the medical log of the customer from the on-board database during a medical roadside emergency.” The claimed invention is directed towards a method and system for providing emergency personnel immediate access to the most up-to-date medical information of the customer during a medical roadside emergency. This is accomplished because the medical log is stored in an on-board database associated with the telematics device of the vehicle.

There is no suggestion or motivation to combine Wireless Internet and Kennedy because the two references are directed to addressing different problems. First, Wireless Internet addresses a solution to a completely different problem than Applicant's claimed invention. Wireless Internet simply addresses providing services such as "Internet access, direction-finding and vehicle location" and fleet management solutions, and not storing a medical log in an on-board database. Kennedy also addresses a solution to a completely different problem than Applicant's claimed invention. Kennedy is directed to a "system and method for providing directions using a communication network." (see, e.g., Title of the Invention). Although Kennedy teaches "the use of an audio recorder to store downloaded data in a appropriate format at the mobile unit" (see column 2, lines 58-60), there are no teachings or suggestions at all regarding the limitation of storing the medical log or non-audio data in an on-board database.

Applicant's claimed invention includes a key limitation that the medical log is stored in an on-board database. This is noteworthy since neither Internet Wireless and Kennedy address whatsoever the concept of storing the medical log on an on-board database. In fact, Applicant's claimed invention does not address the problem of retrieving directions or voice messages from a call center as Internet Wireless and Kennedy. The present invention is intended to address the particular problem of transmitting, retrieving and storing a medical log on the on-board database for quick and efficient access by the emergency medical personnel and/or the operator.

There are no teachings or suggestions whatsoever in Wireless Internet that a medical log of a customer is transmitted, stored, and retrieved from an on-board database. In fact, there is no suggestion in Wireless Internet about providing services relating to medical emergencies, and in particular, providing a medical log of a customer during such circumstances.

Applicant further submits that even if Wireless Internet and Kennedy were properly combined, the features of Wireless Internet and Kennedy would co-exist, but the presently claimed invention would not result. The Examiner's proposed combination of Wireless Internet and Kennedy would not teach the limitation of "storing the medical log in an on-board database." The Examiner's cited passage of column 15, lines 7-53 of Kennedy do not suggest or teach "storing the medical log in an on-board database." The only database mentioned in this cited passage is database 122, which is clearly not an on-board database (See Fig. 1). The database 122 is associated with the network service center (NSC) and is not as an on-board database. The Examiner incorrectly associates a database that is not part of the telematics device as the same database for storing a medical log, as required in Applicant's claimed invention. The database in the claimed invention is part of the telematics device included in the vehicle.

Further, Kennedy provides "audible messages or perform other voice communications using voice network 18, to provide emergency and security services to persons or vehicles associated with mobile unit 12." Column 15, lines 18-24. There is no suggestion at all in Kennedy for providing non-audible data of the medical log to an on-board database, as required in independent claims 1, 8, and 17. As the Examiner correctly pointed out, there are no teachings or suggestions whatsoever in Wireless Internet that a medical log is transmitted to the telematics device of the vehicle, stored therein, and then retrieved therefrom during a medical roadside emergency. Kennedy does not cure this deficiency for at least the reason that Kennedy fails to teach "storing the medical log in an on-board database" and "wherein the medical log includes non-audible data" as required in claim 1.

17 and submits that dependent claims 2, 4-7, 9, 11-16 are not rendered obvious in view of Wireless Internet and Kennedy.

Conclusion

In summary, Applicant submits that the cited references do not teach or suggest or render obvious Applicant's claimed invention. Having fully addressed all objections and rejections raised in the Office Action, it is believed that the application is in condition for allowance. Entry and consideration of the foregoing amendments are respectfully requested, and favorable action on the merits is earnestly solicited. If there are any questions regarding this application, Applicant's attorney requests an opportunity to discuss this case with the Examiner either in person or by telephone interview.

Respectfully submitted,
PILLSBURY WINTHROP, LLP

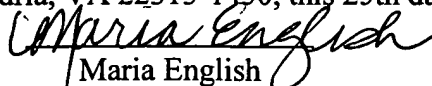
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Maria English